



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

The landlord is presently living in the United Kingdom. The applicant attempted to serve the Application for Dispute Resolution/Notice of Hearing by registered mail to the rental unit in Canada but it was returned. He subsequently served it by mailing to an address in the United Kingdom. The landlord acknowledged that she recently received the tenant's Application for Dispute Resolution/Notice of Hearing. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to a monetary order and if so how much?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on March 11, 2013 and end on August 15, 2013. The rent was \$3000 per month. The tenant also paid \$200 for utilities. The tenant paid a security deposit of \$1500 and a pet damage deposit of \$500. The tenancy ended on August 15, 2013.

The Application for Dispute Resolution filed by the Tenant seeks a monetary order in the sum of \$4850 including the return of the security deposit, pet damage deposit and monies paid to BC Hydro to restore power services. The tenant proposed that the landlord be permitted to deduct one half of a months rent (August 1, 2013 to August 15, 2013) and the cost of ½ month of utilities.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The Landlord shall pay to the Tenant the sum of \$2600.
- b. The Landlord shall retain the pet damage deposit of \$500.
- c. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

As a result of the settlement I ordered that the Landlord shall pay to the Tenant the sum of \$2600.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Residential Tenancy Act.

Dated: October 23, 2013

Residential Tenancy Branch

